

Appl. No. : 10/672,445
Filed : September 26, 2003

REMARKS

This Amendment is responsive to the Office Action mailed on May 11, 2004.

I. Discussion of McGee

In the Office Action, the Examiner relied on U.S. Patent No. 6,643,613 to McGee et al ("McGee") to reject all of the claims, except objected-to Claims 25, 26 and 46. The Examiner also relied on other references (in combination with McGee) to reject certain claims.

McGee was filed on July 1, 2002, which is after Applicants' provisional filing date of August 6, 2001. All of the pending claims of the present application are fully supported by, and entitled to the August 6, 2001 filing date of, Applicants' provisional application. Thus, McGee cannot be prior art to the pending claims unless McGee is entitled to an earlier filing date under 102(e).

Applicants acknowledge that McGee claims priority to three provisional applications, two of which were filed before Applicants' August 6, 2001 provisional filing date. The Examiner has not, however, explicitly relied on either of these provisional applications in his rejections. The rejections are, therefore, improper. If the Examiner continues to rely on McGee in rejecting any of Applicants' claims, he is requested to identify the specific portions of the McGee provisional(s) he is relying on so that Applicants can properly respond.

II. Claim Amendments

Although Applicants believe the claim rejections are improper, Applicants have amended the claims, as summarized below, to more clearly distinguish the applied references and to expedite the allowance of the present application. No new matter has been added. Applicants reserve the right to pursue broader claims in this or a continuing application, and to disqualify McGee as prior art.

Claim 1 and its dependent claims

Applicants have amended Claim 1 to add limitations that provide patentable distinctions over the references applied by the Examiner, and to correct an antecedent basis error. In view of these amendment, Applicants request that the Examiner withdraw the rejections of Claim 1 and its dependent claims.

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To maintain consistency with Claim 1, Applicants have revised Claims 2-5 and have canceled dependent Claim 6. The limitations added to Claims 2-5 provide additional patentable distinctions over the applied references.

Claim 16 and its dependent claims

Applicants have amended Claim 16 to add all of the limitations of objected-to Claim 26, and have canceled Claim 26. Because the Examiner found Claim 26 to be directed to allowable subject matter, this amendment renders Claim 16, and all of its dependent claims, allowable over the art of record.

In addition, Applicants have rewritten objected-to Claim 25 (which was similarly found to be directed to allowable subject matter) in independent form.

Claim 36 and its dependent claims

Applicants have amended Claim 36 to add all of the limitations of objected-to Claim 46, and have canceled Claim 46. Because the Examiner found Claim 46 to be directed to allowable subject matter, this amendment renders Claim 36 and its dependent claims allowable over the art of record.

Claim 48 and its dependent claims

Applicants have amended Claim 48 to add limitations that provide patentable distinctions over the art of record. In view of this amendment, Applicants request that the Examiner withdraw the rejection of Claim 48 and its dependent claims.

Applicants have also added new dependent Claims 62 and 63, both of which recite additional distinctions over the art of record.

III. Conclusion

In view of the foregoing amendments and remarks, Applicants submit that the application is now in condition for allowance, and request that the application be allowed.

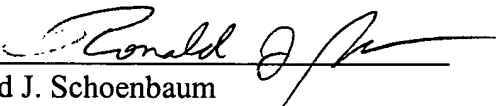
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If any issues remain which can potentially be resolved by telephone, the Examiner is invited to call the undersigned attorney of record at his direct dial number of 949-721-2950.

Respectfully submitted,

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